

EXHIBIT J

Ghazarian, Colette A

From: Hartnett, Kathleen
Sent: Friday, September 6, 2024 3:57 PM
To: Holden Benon; Aaron Cera; Ghajar, Bobby A.; Lauter, Judd; adunning@cgsh.com; Ghazarian, Colette A; Stameshkin, Liz; Biksa, Liene; Alvarez, Jessica; mlemley@lex-lumina.com
Cc: Joseph Saveri; Cadio Zirpoli; Christopher Young; Ruby Ponce; Margaux Poueymirou; Elissa A. Buchanan; Ashleigh Jensen; Heaven Haile; Rya Fishman; Matthew Butterick; Bryan L. Clobes; Alexander Sweatman; Mohammed Rathur; dmuller@venturahersey.com; Nada Djordjevic; David Straite; akeller@dicellolevitt.com; julwick@dicellolevitt.com
Subject: RE: Kadrey et al. v. Meta: Letter re Depositions and Additional Custodians

Holden,

As a courtesy, we are providing location information, based on our current understanding, for the current and former Meta employees listed below (plus current employees Melanie Kambadur and Todor Mihalov). All of the current Meta employees are in the Bay Area except for: Melanie Kambudur (NY), Luke Zettlemoyer (Seattle), Angela Fan (NY), Eleanor Presani (NY), Yann LeCun (NY), Nisha Deo (Boston), Joelle Pineau (Montreal), Hugo Touvron (Paris), Lukas Blecher (Paris), Nikolay Bashlykov (London), and Amanda Kallet (Connecticut). (Note: we are providing information for Nisha Deo, to whom we believe you are referring; Nisha Deolalikar is someone else with no relationship to this matter.) The former employees in the list below are: Moya Chen (Bay Area), Tim Dettmers (Seattle), Susan Zhang (Bay Area), Aurelian Rodriguez (Paris), Guillaume Lample (Paris), Xavier Martinet (Paris), and Edouard Grave (Paris).

With the two new witnesses you have added to your list below, and including your third-party subpoena to Stella Biderman, you are now seeking **30 depositions**: 29 fact witnesses and one 30(b)(6) deposition. However, as we have explained to you repeatedly, Plaintiffs are entitled to **10 depositions** (excluding experts) under the Federal Rules. We have provided dates for Ms. Kambadur and Mr. Mihalov, and you will be obtaining a date from Ms. Biderman, a third party whom you separately noticed and subpoenaed. Thus, please tell us which **7 additional depositions** you seek to take, and we'll promptly provide dates for those. Depending on which witnesses you decide to notice, we may be retained to represent them. We will not provide dates for 28 Meta fact witnesses and a 30(b)(6) witnesses, as you have no basis for requesting that number of depositions, much less unlimited, as yet unspecified third party depositions. The rule is 10 total per side. Your continued refusal to identify the 10 witnesses whose depositions you will take within the schedule set by the Court is delaying your ability to take those depositions, which Meta is willing to promptly conduct. This tactic can only be viewed as an effort to attempt to create a basis for extending the case schedule when there would be no such basis had Plaintiffs been diligent in identifying the 10 witnesses to depose. Meta reserves all rights, and our provision of the information you requested regarding the above individuals should not be construed as Meta's agreement that their deposition(s) are appropriate or proportional.

Finally, further to our call, please promptly inform us of your proposal to brief Plaintiffs' request to extend the schedule and expand the number of depositions in an orderly manner. As we have made clear, we do not believe any expansion of the case schedule or number of depositions (or deposition hours) is supported by good cause and we oppose such a request. We have repeatedly indicated, however, that we may be willing to consider a modest adjustment (e.g., 12 witnesses instead of 10, with a cap of 75 hours), based on a showing of need. You have opted not to make any such showing or proposal, however. Accordingly, this case can and should be litigated on the present schedule, and would be if Plaintiffs would cooperate with making the present schedule work. We would like to tee this up to the Court promptly so that the parties waste no more time debating the case schedule when they should be completing discovery.

Thanks,
Kathleen

Kathleen R. Hartnett

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Pronouns: she, her, hers

From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Thursday, September 5, 2024 9:37 PM

To: Aaron Cera <aCera@saverilawfirm.com>; Hartnett, Kathleen <khartnett@cooley.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Lauter, Judd <jlauter@cooley.com>; adunning@cgsh.com; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com

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Subject: RE: Kadrey et al. v. Meta: Letter re Depositions and Additional Custodians

[External]

Counsel,

As you know, we wrote you on August 29 to request dates and locations for the certain listed witnesses. In response, you asked us to provide bases for why we believe the listed witnesses are likely to possess relevant information. We provide that below.

We note that the list may expand as additional relevant witnesses become known to us. Additionally, Plaintiffs may elect not to pursue certain of these depositions if it becomes clear that if they are unlikely to have relevant unique information. Plaintiffs reserve all rights in this regard.

Also, as you know, Plaintiffs proposed an hours-based cap of 140 hours, which Meta rejected. As a gesture of good faith, Plaintiffs will agree to 120 hours of cumulative depo time.

On the meet and confer on Tuesday, you told us that many of the listed witnesses reside outside the U.S., and some no longer work for Meta. We asked you to indicate which of these third-party witnesses your firm represents. Plaintiffs must move forward with following the requisite procedures for noticing depositions of non-parties in foreign countries; please provide that information immediately.

Plaintiffs will provide Meta with a comprehensive deposition coordination protocol for its consideration. In the meantime, please provide dates and availability for the following:

1. Ahmad Al-Dahle: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
2. Amrish Acharya: Listed in Meta's initial disclosures as having information and documents concerning financial information regarding, and investment in, the Llama models.
3. Angela Fan: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
4. Aurelien Rodriguez: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
5. Arun Rao: Identified as a "Lead" on a draft document about use cases for Llama 4. See Kadrey_Meta_00063884.
6. Chaya Nayak: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
7. Edouard Grave: Has a demonstrated understanding of competitors' use of books as training data.
8. Eleonora Presani: "Manager for Responsible AI." Researcher who has voiced concerns about the use of pirated material. Meta_Kadrey_00074729.
9. Eugene Nho: Involved in acquisition of relevant and high quality data for training LLMs.
10. Guillaume Lample: Demonstrated understanding of the usage of books in Meta's training datasets.
11. Hugo Touvron: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
12. Joelle Pineau: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
13. Josh Ginsberg: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
14. Lukas Blecher: Involved in processing LibGen data for the development of Meta's LLMs.
15. Luke Zettlemoyer: Research Manager with intimate knowledge of training data.
16. Mark Zuckerberg: Meta CEO, familiar with choice of choices regarding sources of datasets, decision to make Llama an "open source" model.
17. Moya Chen: Downloaded and processed datasets known as LibGen 1 and LibGen2.
18. Nikolay Bashlykov: Downloaded and processed datasets known as LibGen 1 and LibGen2.
19. Nisha Deolaliker: Marketing and communications personnel familiar with developing rhetoric surrounding Meta's infringement.
20. Sergey Edunov: Current custodian and listed in Meta's Rule 26 disclosures as having relevant information.
21. Susan Zhang: Familiar with pre-training on books, impact on models when training on books versus not, ethical considerations vis-à-vis training on Libgen, defining and quantifying the risks associated with training on copyrighted books.
22. Tim Dettmers: Communicated with non-custodian third-party shadow libraries for the purposes of using those works for training Meta's LLMs. Plaintiffs would agree not to proceed with this deposition if their objection to Judge Hixson's order is unsuccessful.
23. Xavier Martinet: Apparently had discussions with non-custodians regarding data quality and acquisition of books for the use of training data. Meta_Kadrey_00074729.

24. Yann LeCun: Listed in Meta's initial disclosures as having information on artificial intelligence and neural networks; natural language processing; large language models, including training thereof; Meta's decision to release Llama models under an open license.
25. Meta's 30(b)(6) Witnesses: Plaintiffs will issue 30(b)(6) notice in due course.

Additional deponents:

26. Alex Bosenberg: reached out to various fiction book publishers for the purpose of licensing training data.
27. Amanda Kallet: reached out to various textbook publishers for the purpose of licensing training data.

Thank you,
Holden

From: Aaron Cera <aCera@saverilawfirm.com>

Sent: Tuesday, September 3, 2024 6:03 PM

To: Hartnett, Kathleen <khartnett@cooley.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Lauter, Judd <jlauter@cooley.com>; adunning@cgsh.com; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com

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Subject: Re: Kadrey et al. v. Meta: Letter re Depositions and Additional Custodians

Counsel,

My message was clear—we were responding to *certain* items addressed at the Aug 29 meet and confer. To facilitate an efficient process, we expeditiously sent you our list of deponents that same day. The parties seem to agree that an hours-based cap would be appropriate. Plaintiffs proposed 140 hours, and you asked for a list commensurate with that request. That is what we provided you with in the email last week.

We believe it makes sense for lead counsel for the parties to meet and confer and for the parties to bring any remaining issues to the Court's attention soon thereafter. Please let us know if lead counsel is available tomorrow between 10 am-12 pm PT and 2 pm-4.

Plaintiffs will be prepared to discuss appropriate dates/times for Plaintiff depositions at the meet and confer. We trust Meta will reciprocally be ready to discuss dates/times of the Defendant deponents.

As for the case schedule, please see the attached. Given the ample deficiencies in Meta's production, the delays in Meta's production, the production of over 1,000 French language documents that need to be translated and reviewed, Plaintiffs' request for 13 additional custodians (which require documents from those custodians before we can depose them), the continued privilege dispute, Meta's production of a privilege log containing over 1100 entries (which requires close review), and the addition of Ms. TerKeurst as a Plaintiff, the Court would agree that an extension is warranted.

Please let us know if Meta is available at the time indicated above.

Best,
Aaron

Aaron Cera

Associate

JOSEPH SAVERI
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From: Hartnett, Kathleen <khartnett@cooley.com>

Sent: Friday, August 30, 2024 2:46 PM

To: Aaron Cera <aCera@saverilawfirm.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Lauter, Judd <jlauter@cooley.com>; adunning@cgsh.com <adunning@cgsh.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com <mlemley@lex-lumina.com>

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Subject: RE: Kadrey et al. v. Meta: Letter re Depositions and Additional Custodians

External (kheartnett@cooley.com)

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Counsel,

Your email below is contrary to the discussion we had yesterday, in which you told us:

- You'd already collected dates for two of the three Saveri Plaintiffs' depositions and would try to provide us with those dates today, as you would for the Clobes Plaintiffs' dates.
- You would provide us with:
 - a tailored list of the deponents you are prioritizing so we could determine if there is a potential compromise to increase the permitted number of depositions from 10 to e.g., 12-13 total (with an overall hours limit in the range of 70-75 hours);
 - a particularized explanation of the basis for your claimed need for each additional requested custodian; and
 - a proposed revised case schedule (as you told us for the first time on the call yesterday that you believe that the case schedule should be extended; we disagree, but need to see a proposal to fully respond).

Instead, your email contains a list of 25 new deponents, on top of the two already noticed. And this morning you noticed the third party deposition of Ms. Biderman. That means that Plaintiffs are currently seeking 28 depositions – 18 more than the 10 to which they are entitled. Please send us by COB Wednesday, September 4 the list of the 7 additional depositions you intend to conduct before the September 30 close of discovery, in addition to those of Ms. Kambadur, Mr. Mihaylov, and Ms. Biderman, so that we can schedule those depositions in the fact discovery period ordered by Judge Chhabria.

In addition, please send us by COB Tuesday, September 3 available dates and times for all 10 depositions of Plaintiffs requested to date by Meta. We first requested several of these depositions on August 23, and followed up with our remaining requests on August 28. We sought to begin taking the depositions next week. There is no basis for Plaintiffs to delay providing us available dates (as you said you would try to do by today) based on your entirely unreasonable demand for 28 depositions. Our prior emails proposed deposition dates for each of the deponents and asked for your confirmation. We will seek relief from the Court next week if you do not promptly provide us with available dates for each of the Plaintiffs' depositions. As a reminder, all of those dates should be

on or before September 30, and we can double up if necessary. We intend to take in-person depositions, but we are willing to consider one-off remote depositions based on demonstrated need in specific circumstances. Finally, we asked for you to confirm the preferred location for Mr. Kadrey's deposition and still await your response. If any of the other Plaintiffs who reside out-of-state will be made available in the Bay Area, let us know for our planning purposes.

We reiterate that the current case schedule is the one ordered by the Court, in which fact discovery closes on September 30. Plaintiffs have an obligation to cooperate in good faith to meet that deadline, and we will seek relief if they do not.

Thanks,
Kathleen

Kathleen R. Hartnett

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Pronouns: she, her, hers

From: Aaron Cera <aCera@saverilawfirm.com>

Sent: Thursday, August 29, 2024 10:08 PM

To: Ghajar, Bobby A. <bghajar@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Hartnett, Kathleen <khartnett@cooley.com>; adunning@cgsh.com; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com

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Subject: Re: Kadrey et al. v. Meta: Letter re Depositions and Additional Custodians

[External]

Counsel,

We write to follow up on certain items discussed during today's call.

Defendant Depos

Pursuant to N.D. Cal. Civil L.R. 30-1 we would like to schedule a time next week to meet and confer on agreeable dates and locations for the deponents below. Further, we would like to confer on agreeable dates and locations for Ms. Kambadur and Mr. Mihaylov. Below, please find a list of individuals we intend to notice for deposition. Plaintiffs reserve all rights with respect to seeking additional depositions.

Ahmad Al-Dahle

Amrish Acharya

Angela Fan

Aurelien Rodriguez

Arun Rao

Chaya Nayak

Edouard Grave

Eleonora Presani

Eugene Nho

Guillaume Lample

Hugo Touvron

Joelle Pineau

Josh Ginsberg

Lukas Blecher

Luke Zettlemoyer

Mark Zuckerberg

Meta's 30(b)(6) Witnesses

Moya Chen

Nikolay Bashlykov

Nisha Deolaliker

Sergey Edunov

Susan Zhang

Tim Dettmers

Xavier Martinet

Yann LeCun

Plaintiff Depos

We also write to provide an update on the dates and locations for Plaintiffs Silverman, Golden, and Kadrey. We believe we should have a mutual exchange of proposed dates and times for both parties' deponents. To that end, we are available next week to meet and confer on dates and times for the noticed depositions. Please provide your availability. Counsel for Plaintiffs Coates, Diaz, Greer, Hwang, Klam, Lippman, Snyder and Woodson will send a separate email addressing deposition notices and following-up on today's meet and confer discussion regarding related issues. Similarly, counsel for Plaintiff TerKeurst has been communicating with you separately, will provide topics for discussion soon, and is waiting for your response on dates to meet and confer, regarding Ms. TerKeurst's deposition.

Best,

Aaron

Aaron Cera

Associate

JOSEPH SAVERI
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From: Lauter, Judd <jlauter@cooley.com>

Sent: Monday, August 26, 2024 11:19 PM

To: Hartnett, Kathleen <khartnett@cooley.com>; Holden Benon <hbenon@saverilawfirm.com>; Ghajar, Bobby A. <bghajar@cooley.com>; adunning@cgsh.com <adunning@cgsh.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com <mlemley@lex-lumina.com>; julwick@dicellolevitt.com <julwick@dicellolevitt.com>; akeller@dicellolevitt.com <akeller@dicellolevitt.com>

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External (jlauter@cooley.com)

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Holden,

Per your email on Sunday, we should schedule our other meet confer during this window as well. We can address your letter from Thursday at 11, followed by the Friday letter.

Best,

Judd

Judd Lauter

Cooley LLP

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From: Hartnett, Kathleen <khartnett@cooley.com>

Sent: Monday, August 26, 2024 10:57 PM

To: Holden Benon <hbenon@saverilawfirm.com>; Ghajar, Bobby A. <bghajar@cooley.com>; adunning@cgsh.com; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; julwick@dicellolevitt.com; akeller@dicellolevitt.com

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Holden,

We can do that window on Thursday. We have two team members in an all-day mediation tomorrow and needed to consult with our client today before responding to you.

Thanks,

Kathleen

From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Monday, August 26, 2024 10:32 PM

To: Hartnett, Kathleen <khartnett@cooley.com>; Ghajar, Bobby A. <bghajar@cooley.com>; adunning@cgsh.com; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; julwick@dicellolevitt.com; akeller@dicellolevitt.com

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[External]

Kathleen,

We disagree with your characterization of Plaintiffs' proposals.

We have team members out of office on Wednesday. Is Meta available tomorrow as we requested? We are also available on Thursday between 11am-1pm.

Please let us know.

Thanks,
Holden

From: Hartnett, Kathleen <khartnett@cooley.com>

Sent: Monday, August 26, 2024 9:57 PM

To: Holden Benon <hbenon@saverilawfirm.com>; Ghajar, Bobby A. <bghajar@cooley.com>; adunning@cgsh.com; Ghazarian, Colette A <cghazarian@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Lauter, Judd

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Counsel,

We are reviewing with our client the letter you sent late Friday afternoon proposing radical changes to the discovery process in this case, under which the parties have been operating for months. Please let us know your availability to confer on Wednesday of this week.

Thanks,
Kathleen

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Pronouns: she, her, hers

From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Friday, August 23, 2024 4:43 PM

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Subject: Kadrey et al. v. Meta: Letter re Depositions and Additional Custodians

[External]

Bobby:

Please see the enclosed letter.

Best,
Holden

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